HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 955 (M/S) 2001
(Old No. 7706 of 1999

The State of U.P.,
Through Divisional Forest Officer,
Tarai Central Forest Haldwani,
District-Nainital. ...Petitioner

Vs.

Board of Revenue U.P. Lucknow,
And sixteen others. ...Respondents.

Hon'ble P.C. Verma, J.

This petition has been field by the petitioner seeking writ of certiorari to quash the order dated 23.12.1996 passed by Board of Revenue U.P. Lucknow by which the revisions field by the revisionist/petitioner has been dismissed.

The facts, in brief, are that respondents Nos. 4 to 17 are owner of various plots situated in village Haripur Harsan Dhuria, Tehsil Bazpur, District Nainital. The said village is surrounded by forest land on three sides. The respondents Nos. 4 to 17 moved an application before sub Divisional magistrate, Kashipur under Section 41 of U.P. Land Revenue Act for demarcation of their plots. A case No. 5/62 of 1984-85 was registered and Amin was directed to conduct demarcation. Accordingly, the Amin has conducted the demarcation and submitted its report. However, the petitioner has submitted its objection but the report of the Amin was approved on 26.07.1989 by Assistant Collector, Kashipur. The petitioner preferred appeal No. 2/2 1989-90 before Addl. Commissioner Admn.), Kumoun division, Nainital and vide its order

dated 24.09.1991 the Addl. Commissioner affirmed the order passed by Assistant Collector, Kashipur, against which the petitioner preferred the revisions No. 10/1991- 92 before the Board of Revenue. The board of revenue has dismissed the revision on 23.12.1996.

Heard learned counsel for both the parties.

I have perused the judgment and order passed by the trial court, appellate court as well as Revisional court. The report of the Amin dated 30.04.1988 in regard to the demarcation of the land in dispute was approved on 26.07.1989 by Assistant Collector, Kashipur and the appeal preferred against it, was also dismissed. Revision field by the petitioner before the Board of revenue also dismissed. All the courts below have given concurrent findings and have recorded finding of facts. I find no illegality or infirmity in the orders impugned.

Accordingly, the wit petition is dismissed. No order as to cots.

(Rajesh Tandon, J.)

December 16,2003:
NCM: